

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

FILED 27 FEB '23 11:23 AM MC-ORF

Portland DIVISION

Daniel Gary Applegate
(Enter full name of plaintiff)

Plaintiff,

v.

Civil Case No. 3:23-cv-277-MC
(to be assigned by Clerk's Office)

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS (PRISONER COMPLAINT)

Multnomah County Sheriffs
Office, OR

Jury Trial Demanded

☒ Yes

☐ No

(Enter full name of ALL defendant(s))

Defendant(s).

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: Daniel Gary Applegate
Street Address: 11540 NE Inverness Drive
City, State & Zip Code: Portland, Oregon 97220
Telephone No.: _____

Defendant No. 1

Name: Multnomah County Sheriffs Office,
Multnomah County Detention Center
 Street Address: 11540 NE Inverness Drive
 City, State & Zip Code: Portland, Oregon 97220
 Telephone No.: _____

Defendant No. 2

Name: Deputy Clark
 Street Address: 11540 NE Inverness Drive
 City, State & Zip Code: Portland, Oregon 97220
 Telephone No.: _____

Defendant No. 3

Name: Deputy Talemo
 Street Address: 11540 NE Inverness Drive
 City, State & Zip Code: Portland, Oregon 97220
 Telephone No.: _____

Defendant No. 4

Name: Sgt. Keenig
 Street Address: 11540 NE Inverness Drive
 City, State & Zip Code: Portland, Oregon 97220
 Telephone No.: _____

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

U.S. Constitution 8th Amendment "Cruel & Unusual Punishment"
Deliberate Indifference
Prison Rape Elimination Act

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

The Multnomah County Sheriffs Office at
Multnomah ~~Det~~ County Detention Center
has been talking to me with microphones
in my cell for 2 years (since February 2021)
straight making it extremely difficult
for me to read, write letters, watch
the tv, talk on the phone and sleep.
It has been nonstop.

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

The MCSO at MDC has been turning the light
on and off in my cell for 2 years (since February 21)
nonstop making it extremely difficult to sleep
read, write letters, watch the tv, talk on the phone.
It has been nonstop.

Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

The MCDC MCSO has a camera in my cell and in the shower watching me while I shower and watching me masturbate in my cell. I wrote a grievance on this on 2-14-23 and Deputy Clark came to see me about it. I told her Deputy Telelano made a comment to me earlier this month (Feb, 2023) about "I'll bust a nut on your face" and "Do you want to suck my dick". In June 2021 I told Sgt. Koenig MCSO MCDC deputies were watching me masturbate and made sexual comments to me. In June 2021 and Feb 2023 upon my reporting this to staff verbally (If you have additional claims, describe them on another piece of paper, using the same outline.) with a grievance, and with phone call, MCSO MCDC refused to notify. Prison Rape Elimination Act violation this is and is deliberate indifference. And 2. 4 sex offense.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

☒ Yes

☐ No

V. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

MCSO MCDC staff need to stop their
surveillance of me. For this extremely
suppressive and indignifying harassment
I respectfully ask the court for \$50,000

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 18th day of February, 2021.

D. Ann Layate
(Signature of Plaintiff)